federal register

Monday
May 19, 1980

Part IV

Environmental Protection Agency

Hazardous Waste Management System

Proposal To Modify 40 CFR Part 261—Hazardous Waste Lists

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL 1471-4]

Identification and Listing of Hazardous Wastes

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to add eleven wastes to the interim final list of hazardous wastes which it is promulgating today under Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA). The effect of adding these wastes to the hazardous waste list will be to make them subject to the management standards issued by EPA under Sections 3002 through 3006 and 3010 of RCRA (Parts 262 through 265, 122 through 124 of this Chapter and 45 FR 12746).

DATES: EPA will accept public comments on the proposed listings until July 18, 1980. Any person may request a hearing on this proposal by filing a request with John P. Lehman, whose address appears below, by June 9, 1980. The request must contain the information prescribed in § 260.20(d) of this chapter.

ADDRESSES: Comments and requests for hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste [WH-565], U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001."

The public docket for this proposed rulemaking is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Alan S. Corson, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION: Section 3001 of RCRA requires EPA to publish criteria for listing hazardous waste and to list particular hazardous wastes. In today's **Federal Register** EPA is promulgating interim final criteria for listing hazardous wastes (§ 261.11) along with an interim final list of hazardous wastes (Part 261, Subpart D). The Agency is now proposing to expand this list of hazardous wastes to add eleven wastes which EPA has determined meet its interim final listing criteria.

Included in this proposed supplemental listing are five wastes generated in the organic chemicals industry, four wastes from the manufacture of pesticides, one waste stream from the wood preserving industry and one waste stream from the non-ferrous metals industry. All eleven of these wastes were identified by the Agency in the course of developing the necessary technical data to support the interim final hazardous waste list promulgated today. These wastes and the hazards they pose to health or the environment are:

(1) *Distillation bottoms and heavy ends from the production of 1,1,1-trichloroethane.* These two wastes contain known carcinogens, many of which are soluble in water or are volatile. If the waste is improperly managed, the carcinogens may contaminate surface water, groundwater, or air.

(2) *Vacuum stripper discharge from chlordene chlorinator in the production of chlordane.* This waste contains dissolved or suspended highly toxic constituents which are soluble and may migrate through leaching from the waste if the waste is improperly managed.

(3) *Untreated wastewater from the production of 2,4-D.* This waste contains carcinogens and mutagens which are soluble in water. If the waste is improperly managed, these constituents can contaminate surface water or groundwater.

(4) *Wastewater from the production of methomyl.* This waste contains toxic compounds, a carcinogen and mutagenic substances. If this waste is improperly managed, these compounds could migrate from the waste and contaminate groundwater and surface water.

(5) *Distillation residues both light ends and bottoms from the production of phthalic anyhride from ortho-xylene.* These two wastes contain toxic compounds, a known carcinogen, and a suspected carcinogen. Some of these compounds are soluble in water, and, if the waste is improperly managed, these compounds can contaminate surface water and groundwater. If the residues are improperly incinerated, these compounds (or equally or more toxic degradation products) may be emitted into the air.

(6) *Wastewater from wood preserving processes that use creosote and/or pentachlorophenol.* This waste contains carcinogens, mutagens and toxic compounds, many of which are soluble in water or are volatile. If the waste is improperly managed, these compounds can contaminate surface water, groundwater, or air.

(7) *Untreated process wastewater from the production of toxaphene.* This waste contains toxaphene, a carcinogenic and extremely toxic compound. If the waste is improperly managed, this compound could migrate from the waste and contaminate groundwater and surface water.

(8) *Process wastewater from creosote production.* This waste contains a number of known carcinogens. If this waste is improperly managed, these compounds are capable of migrating and persisting in the environment and could contaminate surface water and groundwater.

(9) *Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.* This waste contains toxic heavy metals which, when solubilized, can contaminate surface water and groundwater if the waste is improperly managed.

When surface water, groundwater, or air is contaminated, human health or the environment can be adversely affected.

BACKGROUND DOCUMENT: Background documents have been prepared in support of this proposed rule. Copies are available for review in all EPA Regional office libraries, in the EPA headquarters (Public Information Reference Unit) Room 2404, Waterside Mall, 401 M Street, S.W., Washington, D.C. and in the docket located in Room 2711, Waterside Mall, 401 M Street, S.W., Washington, D.C.

ECONOMIC, ENVIRONMENTAL AND REGULATORY IMPACTS: In accordance with Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107, EPA policy as stipulated in 39 FR 37419, October 21, 1974, and Executive Order 12044, analyses of the economic, environmental, and regulatory impacts were performed for the entirety of Subtitle C. EPA does not believe that amending Part 261 to add these additional wastes is a major action for the purposes of Executive Order 12044, in part because the wastes are generated by processes which produce other listed wastes and because the cost of managing those other listed wastes has already been accounted for in the final Regulatory Analysis which was prepared for the entirety of Subtitle C. However, EPA requests that any date commenters have on the generation rates of the wastes listed in the proposal, current management costs and practices for these wastes or on the cost or economic impacts of the proposed

regulations be sent to John P. Lehman at the address listed above.

Dated: May 2, 1980.

Douglas M. Costle,

Administrator.

It is proposed to amend Title 40 CFR, Part 261, by revising 40 CFR, Part 261, as follows:

§ 261.32 [Amended]

1. In § 261.32, add the following waste streams:

Industry	EPA hazardous waste No.*	Hazardous waste	Hazardous code
Wood preservation.		Wastewater from wood preserving processes that use creosote or pentachlorophenol.	(T).
Organic chemicals.		Distillation bottoms from the production of 1,1,1-trichloroethane.	(T).
		Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T).
		Vacuum stripper discharge from chlordene chlorinator in the production of chlordane.	
		Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T).
		Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T).
Pesticides.....		Untreated process wastewater from the production of toxaphene.	(T).
		Untreated wastewater from the production of 2,4-D.	(T).
		Wastewater from the production of methomyl.	(T).
		Process wastewater from creosote production.	(T).
Secondary lead.		Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T).

*The EPA Hazardous Waste Number will not be assigned until the listed waste is promulgated.

[FR Doc. 80-14308 Filed 5-16-80; 8:45 am]

BILLING CODE 6560-01-M